HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Appeal No.376 of 2007

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Between:

M/s. Sri Sai Wines,
Licence No.124/06-08,
Rep. by its partners
D. Ravinder Reddy & P. Srinivas Rao,
D.No.12-676, Ward No.20,
Mancherail, Adilabad District

…Appellant

And

Y. Uday Kumar and three others

….Respondents

:: J U D G M E N T ::

Counsel for the appellants : Shri P. Venugopal for
Shri C. Hari Preeth

Counsel for respondent No.1 : Shri A. Jaganadha Rao

Counsel for respondent Nos.2 and 3 : Government Pleader for
Prohibition and Excise

1st May, 2007

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 29-3-2007 passed by the learned Single Judge in Writ Petition No.16526 of 2006, A. Ramesh Reddy v. The Commissioner of Prohibition and Excise and others and batch, whereby she quashed A-4 licence granted to the appellant for sale of liquor in shop No. 13, Ward No. 20 (Old) of Mancherial Municipality.

We have heard Shri P. Venugopal, learned counsel for the appellant and Shri A. Jagannadha Rao for respondent No.1 and the learned Government Pleader for Prohibition and Excise and perused the record.

By the judgment pronounced today in Writ Appeal No.271 of 2007 and Writ Petition No. 18330 of 2006, we held that the scheme of the Andhra Pradesh Excise Act, 1968 and Andhra Pradesh Excise (Lease of Right by Selling by Shop and Conditions of Licence) Rules, 2005 (for short, 'the Rules') do not envisage re-location of the shop by the auctioning authority and if bids are not given in respect of the shop notified by the competent authority, the only course open to the latter is to take recourse to Rule 21 of the Rules and permit Andhra Pradesh Beverages Corporation Ltd. to open outlets for sale of liquor.

In our opinion, the issue raised in the appeal is squarely covered by the ratio of the judgment in Writ Appeal No.271 of 2007.

Hence, the appeal is dismissed. The detailed reasons recorded in the judgment in Writ Appeal No.271 of 2007 shall be read as part of this order.

As a sequel to dismissal of the writ petition, WAMP. No. 711 of 2007 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

1st May, 2007

C.V.NAGARJUNA REDDY, J

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